



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	027733 072	FILING DATE	10/16/96	FIRST NAMED APPLICANT	MAZILLI	ATTORNEY DOCKET NO.	0286 1156
F3MI/0911							

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ART UNIT	PAPER NUMBER
7307	09/11/97

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.

08/733,072

Applicant(s)

Makoui et al.

Examiner

Ren Yan

Group Art Unit

3307



☒ Responsive to communication(s) filed on Oct 16, 1996.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-72 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-72 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Oct 16, 1996 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

The drawings are objected to because Fig. 1 is admitted as a prior art figure and should be provided with a "Prior Art" legend.

The disclosure is objected to because of the following informalities: The brief description for Fig. 6B is not provided in the specification.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9, 12, 13, 22, 25, 33, 34, 44, 53, 54, 60, 63 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Klemmer(3,731,620). The patent to Klemmer teaches the very concept as disclosed and claimed in the present application to use a releasably attached sleeve with engraved pattern thereon on a embossing roller core so as to facilitate the replacement of the engraved sleeve without having to remove the entire embossing roller from the machine. See column 5, lines 10-31 and column 7, lines 46-62 in Klemmer for details.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7, 26-30, 35-40 and 55-59 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Klemmer in view of Kildune(5,266,257). Klemmer may not disclose the material used for the engraved sleeve. Kildune discloses in the paragraph bridging columns 1 and 2 that it is conventional to provide an embossing roller core with a vulcanized rubber sleeve to carry out the embossing function. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the embossing roller of Klemmer with a vulcanized rubber sleeve as taught by Kildune. The mere application of a known material based upon its well known properties and intended use by those having ordinary skill in the art in order to obtain an expected outcome would involve no apparent unobviousness. With respect to the recited sleeve hardness in claims 3-5, 26-28, 35-37 and 55-57, since the applied prior art references use the same material, it would appear that the broad hardness range as recited would inherently be met. Besides, due to the lack of disclosure showing any criticality, the hardness of the embossing sleeve employed would be determined based upon the type of material to be embossed, etc. and such a determination would be made by those having ordinary skill in the art through routine experiment in order to obtain the desired result.

Claims 10, 11, 23, 24, 41-43, 61 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemmer in view of Jones(3,404,254). Klemmer may not disclose how the sleeves are engraved. Laser engraving on the surface of cylindrical rollers has long been known and used in the art for its ability to generate accurate and sharp images. Jones teaches such a conventional use of laser engraving on cylindrical shaped roller bodies. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use laser technology to engrave the embossing pattern on the sleeve of Klemmer as taught by Jones in

order to achieve improved image pattern on the sleeve.

Claims 14-21, 31, 32, 45-52 and 65-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemmer in view of Julian(4,144,813). Klemmer may not disclose in detail how the embossing sleeve is releasably mounted on the roller core. Julian teaches the structure and method for releasably attaching a printing sleeve onto a roller core using pressurized gas as recited. See the entire Julian reference for example. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the embossing roller of Klemmer with the properly disposed structure for providing pressurized gas as taught by Julian so as to facilitate the mounting and removing of the embossing sleeve. With respect to claim 19, the inner diameter of Julian's sleeve is slightly tapered for facilitating attaching and removing the sleeve to and from the roller core and is an improvement over the conventional sleeves having a constant inner diameter. Therefore, to continue the use of conventional sleeves having a constant inner diameter would not involve any unobviousness. With respect to claims 18, 49 and 69, the depth of such a groove would have been ultimately determined by those having ordinary skill in the art through routine experiment in order to achieve a desired outcome. Such a determination based on routine experiment would have been obvious to those skilled in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren Yan whose telephone number is (703) 308-0978. The examiner can normally be reached daily from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Edgar Burr, can be reached on (703) 308-0979. The fax phone number for this Group is (703) 308-2864.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [edgar.burr@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0858.



Ren Yan
Primary Examiner
Art Unit 3307

Ren Yan
September 4, 1997